



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

February 27, 2012

Asimios Malliakos  
Chief  
Rules, Announcements and Directives Branch  
U.S. Nuclear Regulatory Commission  
Mail Stop TWB-05-B01M  
Washington, D.C. 20555-0001

Dear Mr. Malliakos:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) prepared by the United States Nuclear Regulatory Commission (NRC) for the International Isotopes Fluorine Products, Inc. (IIFP), a wholly-owned subsidiary of International Isotopes, Inc., for a submitted license application to the NRC to construct, operate, and decommission Phase 1 of a fluorine extraction and depleted uranium deconversion facility in Lea County, New Mexico. The proposed facility would provide services to the uranium enrichment industry, which makes fuel for nuclear power reactors. The IIFP facility would deconvert depleted uranium hexafluoride into fluoride products for commercial resale, and depleted uranium oxides for disposal.

Based on our analysis, EPA rates the DSEIS as "EC-2" (Environmental Concerns-Request for Additional Information). EPA has enclosed detailed comments which more clearly identify our concerns.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the Final SEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. Our classification will be published on the EPA website, [www.epa.gov](http://www.epa.gov), according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact Michael Jansky of my staff at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov) or 214-665-7451 for assistance.

Sincerely,

Rhonda Smith  
Chief, Office of Planning  
and Coordination

Enclosure



**DETAILED COMMENTS  
ON THE  
U.S. NUCLEAR REGULATORY COMMISSION  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
INTERNATIONAL ISOTOPES FLUORINE PRODUCTS, INC  
FLUORINE EXTRACTION AND DEPLETED URANIUM DECONVERSION  
FACILITY  
LEA COUNTY, NEW MEXICO**

**BACKGROUND**

The U.S. Nuclear Regulatory Commission (NRC) has prepared an Environmental Impact Statement (EIS) for the Proposed Fluorine Extraction Process and Depleted Uranium Deconversion Plant in Lea County, New Mexico. The proposed action in this DEIS is for the NRC to grant International Isotopes Fluorine Products (IIFP) a license to construct, operate, and decommission a fluorine extraction and depleted uranium deconversion facility. The IIFP facility would include a commercial plant to produce specialty fluoride gas products or sale and depleted uranium oxide for disposal. IIFP would own the facility and be responsible for its operation and performance. The proposed facility, if licensed, would be 14 miles west of Hobbs, New Mexico. The proposed tract of land (IIFP site) occupies 640 acres and the facility would occupy an estimated 40 acres of the tract, not including roadways and other infrastructure improvements. The IIFP facility complies with all applicable laws and regulations, including obtaining all required construction and operating permits, and decommissioning requirements.

The facility will be regulated by the NRC, the deconversion process is primarily a chemical process and the reason that it is regulated by the NRC is because of the uranium and radioactive compound. The depleted uranium has very low radioactivity.

**DETAILED COMMENTS**

**Environmental Justice**

In the DEIS, the summary of the costs and benefits of the proposed action explains that during operation of the plant about \$56 million to \$71 million (in 2009 dollars) in wages, benefits, goods and services would be spent annually. Approximately \$554,400 of fee in lieu of property tax would be paid to the Hobbs Municipal School District and the New Mexico Junior College during the construction period. Construction and operation of the facility would have additional indirect economic impacts by creating additional employment and economic activity within the region. Over the lifetime of operations, the low estimate of gross receipts taxes is \$6,500,000 (in 2009 dollars) to Lea County. With these summary of costs and benefits, it appears the project will be good for the local economy.

According to the DEIS, a public scoping meeting was held July 29, 2010 to share information and to allow residents an opportunity to ask relevant questions. Transcript notes

from the scoping meeting were made available through the NRC website.

The Draft EIS describes that approximately 60 individuals not affiliated with the NRC staff attended the July 29, 2010 public scoping meeting in Hobbs, New Mexico. A news article from the Hobbs News-Sun stated about a dozen citizens and elected officials attended the July 29th meeting. The DEIS does not clearly explain what outreach efforts were made to announce the Scoping meeting and the open house held July 29, 2010 in Hobbs, New Mexico. Please clarify in the DEIS.

Page A-7, Paragraph A.2.2, Summary of Issues Raised: Regarding beneficial and socioeconomic impacts of the proposed facility, several comments from citizens express concerns regarding impacts or risks posed by the facility due to seismic concerns, availability of water sources, transportation and disposal of waste, and possible health impacts associated with nuclear facilities. It was unclear where in the DEIS these specific concerns were addressed. Please address these concerns in the FEIS.

The International Isotopes Inc., website announced that the NRC was holding a public meeting in Hobbs, New Mexico on February 2, 2012 and stated comments will be taken until February 27, 2012. The website does not mention a location of this public meeting nor additional information regarding the submission of comments. Through internet surfing a NRC News flyer, dated January 9, 2012, explains the NRC is seeking public comments on DEIS for a proposed Uranium Deconversion Facility in New Mexico. It is unclear where the general public will see a NRC News bulletin such as this. Please clarify in the FEIS.

The DEIS states that NRC staff used the ESRI ArcGIS 9.3 software that accessed the 2000 decennial census to identify block groups; yet the section under Minority Populations states that the number of farms which fall either wholly or partially within the 50 mile radius is unknown. There is no additional information describing any other measures taken to get information about the migrant worker population on these farms. Please clarify in the Final EIS.

### **Possible Disproportionate and Adverse Impacts**

The DEIS states that the economic benefits and potential adverse impacts associated with the NRC granting IIFP a license to construct, operate and decommission a fluorine extraction and depleted uranium deconversion facility will accrue to all residents of Hobbs and Lea Counties, and to a lesser degree to other nearby counties. EPA agrees that it will be no greater impact on any minority group or to any groups of any specific income level.

The FEIS should provide information as to how the IIFP or the NRC will disseminate or reach out to the community keeping residents informed and educated about any potential dangers during the operation of this facility after the license is approved. Please explain in the FEIS.

With regard to historic preservation and close proximity to the State of Texas, EPA recommends that a copy of the FEIS be sent to Texas State Historical Office for their review and comment.

### **Tribal Issues**

The proposed facility is not in close proximity to any Tribal reservation or major native/tribal population or land base. According to demographic data in the DEIS, there are approximately eight hundred (800) American Indians living near Hobbs, New Mexico. There is no information presented in the DEIS as to whether American Indians who are living in this area are associated with any particular Tribe(s). There is no information provided upon which to form an opinion about whether the lifeways of American Indians in the area could include traditional or cultural practices that create additional or unique risk pathways. Also, there is no information provided upon which to determine whether potential environmental contamination, emergency events, increased traffic or other changes associated with the proposed facility could result in disproportionate impacts due to other factors that might make these persons more vulnerable or place them at greater risk. Please clarify in the FEIS.

Many Tribes in the United States do have traditional cultural practices that may include ingestion or uses of plants, animals and other natural resources that are not common to non-Indians. In addition to traditional and cultural practices, diabetes and other health conditions may make some Native Americans more susceptible to risks or sensitive to environmental conditions. The FEIS should provide appropriate data and analysis of potential impacts to American Indians living in the area.

### **Air Quality**

Any demolition, construction, rehabilitation, repair, dredging or filling activities have the potential to emit air pollutants. EPA recommend best management practices be implemented to minimize the impact of any air pollutants. Furthermore, construction and waste disposal activities should be conducted in accordance with applicable local, state and federal statutes and regulations.

EPA recommends the use of clean, lower-emissions equipment and technologies to reduce pollution. EPA's final Highway Diesel and Nonroad Diesel Rules mandate the use of lower-sulfur fuels in nonroad and marine diesel engines beginning in 2007. Please address these concerns in the FEIS.

